**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 20671 of 2005**

**DATED : 21..09..2005.**

**BETWEEN:**

Gunti Lalitha Kumari, W/o. late G. Danial,

Aged about 38 years, R/o. Magallu village,

Nandigama Mandal, Krishna District. …Petitioner

And

The State of Andhra Pradesh,

Rep.by the District Collector(Civil Supplies),

Krishna District, Chilakalapudi, Machilipatnam

and 3 others …Respondents

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**ORDER:**

Declaring the action of the respondents in canceling the authorization of the petitioner herein as temporary fair price shop dealer, Magallu village, Nandigam Mandal, confirmed by the District Collector by proceedings No.Rc.B1.RP/02/2005, dated

30-06-2005 as illegal and arbitrary, the present writ petition has been filed.

Learned counsel for the petitioner contended that till the permanent appointments of the fair price shop dealers is given, the petitioner has to be continued on temporary basis. The case of the petitioner is discriminated and the cancellations of the similarly situated persons have been revised, and therefore the same benefits may be extended to the writ petitioner also.

On the other hand, learned Government Pleader for the respondents contended that the petitioner was appointed only on temporary basis as fair price shop dealer and for certain irregularities, such appointment was cancelled. Therefore, there is no violation of any right of the petitioner.

Admittedly, the petitioner was appointed as a temporary Fair Price Shop Dealer. For certain violations, the petitioner's temporary dealership was cancelled. The learned counsel for the petitioner contended that no notice is given to the petitioner before taking such decision. Since the petitioner was appointed temporarily, the question of giving any notice does not arise. On the allegation that she diverted 30.00 quintals of PDS rice for the month of February 2004 and her son was running the fair price shop instead of her, the authorization of the petitioner was cancelled. However, the learned counsel contended that similarly situated persons whose temporary dealership was cancelled, the authorities condoned their lapses and allowed them to continue as temporary dealers by imposing some penalty, and therefore he seeks to extend the same benefits to the writ petitioner also. In the first case of
Smt. Ch. Bharathi, there is a violation of diversion of 22 quintals of PDS Rice, whereas one Smt. V. Vijaya Kumari has diverted 5 quintals of PDS rice, whereas one Sri M. Hanumantha Rao, has diverted 10 quintals of rice and their lapses were condoned by imposing some penalty. As seen from these proceedings, those persons were regular fair price shop dealers. Copies of the proceedings produced by the learned counsel for the petitioner do not indicate that they are the temporary fair price shop dealers. Even otherwise, each case has to be decided separately on its own merits. The same cannot be taken as a ground unless it is shown that the case of the petitioner stands on par with the fair price shop dealers. Learned counsel also produced a copy of the proceedings issued by the Sub-Collector containing the lapses of one
Smt. Y. Koteswaramma, who is a temporary fair price shop dealer, who converted 25 quintals of PDS rice. As stated above, each case has to be decided on its own merits. The lapses committed by the petitioner herein are not only the diversion of 30

quintals of PDS rice, but also allowing her son to run the fair price shop. The orders of the Collector would indicate that the petitioner herself admitted that her son was transacting the fair price shop.

Therefore, there are no merits in this writ petition and accordingly, the writ petition is dismissed. But, this order will not preclude the respondents in considering the case of the petitioner sympathetically. No order as to costs.

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K.C.BHANU, J.

Dated: 21..09..2005.

Note:

Issue C.C. within one week.

B/o.

RNS